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C O N F I D E N T I A L QUITO 000759

SIPDIS

E.O. 12958: DECL: 08/17/2018
TAGS: [PGOV](#) [EC](#)
SUBJECT: ECUADOR: NEUTRALITY OF ELECTORAL ARBITER IN
QUESTION

Classified By: Ambassador Heather M. Hodges for reasons 1.4 (b) and (d)

¶1. (C) Summary: The last minute replacement of opposition representatives of the regional and national electoral tribunals with representatives of the President,s party has called into question the neutrality of the electoral overseers. The legality of the move is hotly debated in Ecuador, as is the rationale. President Correa,s personal popularity remains high, and the draft constitution is expected to be approved by voters, especially as the opposition campaign has yet to coalesce around a viable strategy. However, with a pliable electoral tribunal, the government will be able to work around campaign spending limits and will be well positioned if its campaign should falter. (End of summary)

MUSICAL CHAIRS OR RAW POLITICS?

¶2. (SBU) On July 24, during an overnight plenary session with the opposition absent, the Constituent Assembly terminated the term of Supreme Electoral Tribunal (TSE) board member Andres Leon. Leon had been appointed to the board as a representative of the Democrat Christian Union (UDC) in full accordance with the law. His seat was assigned to Juan Cevallos of the Proud and Sovereign Fatherland (PAIS) movement, a former advisor to the Minister Coordinator of

Politics, Ricardo Patino.

¶3. (SBU) The TSE board is a seven-member body that, according to the 1998 constitution, is comprised of representatives of the seven political parties which received the highest percentage of votes in the preceding national election. The constitution does not use the terminology "congressional elections", so the language presumably includes the elections to the Constituent Assembly in September 2007. Therefore, Minister Patino requested the Assembly include a PAIS delegate in the TSE board given that PAIS was the largest vote-getter in the Constituent Assembly elections.

¶4. (SBU) The removal of Leon triggered a series of changes in the provincial electoral tribunals. Since each TSE board member appoints a delegate in each province, 23 UDC representatives were replaced by PAIS delegates. The TSE National Director of Political Organizations and the National Director of Training - who had been appointed by Leon - had to resign. The new National Director of Training, charged with training polling station authorities, is the former PAIS Political Training Coordinator in Guayas.

¶5. (SBU) Leon questioned the rationale offered to justify his dismissal, arguing that if the TSE board were to represent the top seven vote getters in the 2007 Constituent Assembly election, then other three TSE board members should have been replaced as well. The three are the representatives of the

Ecuadorian Roldosist Party, the Democratic Left (ID), and the Socialist Party. However, the representatives of those three organizations have voted following the government's line. According to Leon, if the argument offered were coherent, the Ethical and Democratic Network, Pachakutik, and the Democratic Popular Movement should be represented in the TSE board in addition to PAIS.

PATRIOTIC SOCIETY PARTY'S REPRESENTATION REMOVED IN SOME PROVINCES

¶6. (SBU) Based on the law on elections, which states that the TSE board has the authority to reorganize provincial tribunals in an effort to include the country's prevailing political forces, the TSE board dismissed the Patriotic Society Party (PSP) representatives in eight provinces, including the largest one, Guayas. The replacements are predominantly PAIS members or allies. TSE President Jorge Acosta argued that the PSP representatives were dismissed due to poor performance. However, the dismissed President of the Electoral Tribunal of Bolivar, Gustavo Vargas, told the press that he had received a written commendation from the TSE board earlier. More changes are expected to take place this week.

¶7. (SBU) The Congress elected in 2006 appointed Jorge Acosta to the TSE board as the representative of the PSP. However, he moved away from his party early on and favored the dismissal of 57 deputies - including PSP representatives - in order to facilitate the government-sponsored Constituent Assembly referendum. By removing the provincial PSP delegates, the PSP - the second largest seat-holder in the Constituent Assembly - will lose all representation in the

TSE.

REACTIONS

¶8. (SBU) The respected NGO Citizen Participation questioned the re-organization of the TSE in a press release dated July 24, arguing that the Constituent Assembly's decision to remove a board member was illegal. In addition, it noted that the reorganization of the electoral institution was poorly timed given that it deprived the TSE of the stability and trust required to guarantee transparency in the upcoming election. According to dismissed TSE board member Andres Leon, his dismissal was aimed at blocking an investigation of PAIS 2006 presidential campaign spending.

¶9. (SBU) The PSP has also complained about the dismissal of its provincial representatives. Former President Lucio Gutierrez, the leader of the PSP, announced that he had filed a lawsuit with the Attorney General's office, the Inter American Commission for Human Rights, and the Organization of American States to investigate the removal of PSP delegates in the provincial electoral institutions. Gutierrez has also called for the removal or resignation of TSE President Jorge Acosta.

¶10. (SBU) Leading national newspapers have referred to these events as an attempt to promote the government. Headlines such as "Campaign without an impartial arbiter," "Abuses and excess of propaganda," and "PAIS and its allies control 24 electoral institutions," have dominated front pages.

COMMENT

¶11. (C) The perception of the TSE favoring the government at the expense of the opposition could mean a loss of credibility for the referendum on the new constitution. As President Correa's approval ratings remain high and passage of the referendum seems likely, PAIS need not have a "packed court" at the TSE. That said, should things go south quickly, a favorable TSE may be necessary to achieve the outcome PAIS desires.

